

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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USA  
VS.  
DANNY GOMEZ a/k/a

Docket 95-CR-750  
JUDGE GLEESON

U.S.C.A. Docket 05-512

**INDEX TO THE RECORD ON APPEAL**

Prepared By: MARY COGNATO GONZALEZ (EDNY)  
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Brooklyn, New York 11201  
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The document numbers circled on the following pages with the original papers, constitute the record on appeal. The document numbers followed by an(\*) are missing. The document numbers which are underscored have been electronically filed and may be found on our website: <http://www.nyed.uscourts.gov>

Date: 3/27/06

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

2006 MAR 27 A 11:53

FILED

APPEAL, CLOSED, MJSELECT

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CRIMINAL DOCKET FOR CASE #: 1:95-cr-00750-JG-3  
Internal Use Only**

Case title: USA v. Garcia, et al

Date Filed: 08/21/1995

Assigned to: Judge John Gleeson

**Defendant**

**Daniel Gomez (3)**

*TERMINATED: 09/23/1996*

*also known as*

*"Alveiro"*

*also known as*

*"Ghandi"*

*also known as*

*Franklin Ocampo*

represented by **Barry Gene Rhodes**

Barry G. Rhodes Attorney at Law

16 Court Street

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*TERMINATED: 09/23/1996*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: CJA Appointment*

**Ramon W. Pagan**

Law Offices of Ramon W. Pagan

2116 Williamsbridge Road

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*TERMINATED: 09/23/1996*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: Retained*

**Pending Counts**

21:846 and 841(b)(1)(A)(ii)(II);  
18:3551 et seq.- conspiracy to possess  
with intent to distribute cocaine, a  
Schedule II narcotic drug controlled  
substance.  
(1ss)

**Disposition**

Defendant Danny Gomez a/k/a Franklin  
Ocampo is sentenced to Count 1ss, 2ss,  
3ss and 4ss and receives a term of life  
imprisonment on Counts 1ss,2ss,3ss  
and 24 months on Count 4ss to run  
concurrent to one another. Supervised  
release of 5 years on Count s

18:1203(a), 2 and 3551 et seq.-  
HOSTAGE TAKING  
(2ss-3ss)

8:1326(a); 18:3551 et seq.- REENTRY  
OF DEPORTED ALIENS.  
(4ss)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

21:846 & 841(b)(1)(A)(ii)(II); 18:3551  
et seq - CONSPIRED TO POSSESS  
WITH INTENT TO DISTRIBUTE  
COCAINE, A SCH II NARCOTIC  
DRUG CONTROLLED SUBSTANCE.  
(1)

21:846 and 841(b)(1)(A)(ii)(II);  
18:3551 et seq.- possession with intent  
to distribute cocaine, a Schedule II  
narcotic drug controlled substance.  
(1s)

18:1203(a), 2 & 3551 et seq - KIDNAP,  
MURDER.  
(2)

18:1203(a), 2 and 3551 et seq.- Hostage  
Taking.  
(2s-3s)

1ss,2ss,3ss and 2 years on 4ss. Special  
assessment fee of \$200.00.

Defendant Danny Gomez a/k/a Franklin  
Ocampo is sentenced to Count 1ss, 2ss,  
3ss and 4ss and receives a term of life  
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and 24 months on Count 4ss to run  
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and 24 months on Count 4ss to run  
concurrent to one another. Supervised  
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1ss,2ss,3ss and 2 years on 4ss. Special  
assessment fee of \$200.00.

**Disposition**

Count(s) 1,2,3,4 and 1s,2s,3s,4s are  
dismissed by Government's motion in  
open Court on 9/6/96 before Judge  
Gleeson.

Count(s) 1,2,3,4 and 1s,2s,3s,4s are  
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Gleeson.

Count(s) 1,2,3,4 and 1s,2s,3s,4s are  
dismissed by Government's motion in  
open Court on 9/6/96 before Judge  
Gleeson.

**Complaints**

None

**Disposition****Plaintiff**

USA

represented by **Kelly Anne Moore**

U.S. Attorney's Office for the EDNY

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**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/20/1995		ARREST of Marco Garcia, Armando Zabala, Carlos Sepulveda, Juan Manuel Garcia [ 1:95-m -1135 ] (Henry, Teresa) (Entered: 08/01/1995)
07/21/1995	1	COMPLAINT as to John Doe, Marco Garcia, Armando Zabala, Carlos Sepulveda, Juan Manuel Garcia [ 1:95-m -1135 ] (Henry, Teresa) (Entered: 08/01/1995)
07/21/1995		First Appearance as to Marco Garcia, Armando Zabala, Carlos Sepulveda, Juan Manuel Garcia held [ 1:95-m -1135 ] (Henry, Teresa) (Entered: 08/01/1995)
07/21/1995		** Added Government Attorney Eric Friedberg [ 1:95-m -1135 ] (Henry, Teresa) (Entered: 08/01/1995)
07/21/1995		Magistrate Arraignment as to Marco Garcia held Before Magistrate Judge Azrack, case called, AUSA-Eric Friedberg present, defendant present with Counsel Jason Solotaroff...DETENTION HEARING HELD, At this time, defense counsel states that the defendant has no bail package. Order of detention entered with leave to reapply for bail. 95/49 (1584-1726); Preliminary Examination set for 10:00 8/7/95 for Marco Garcia (Defendant informed of rights.) [ 1:95-m -1135 ] (Henry, Teresa) (Entered: 08/01/1995)
07/21/1995		** Added for Marco Garcia Attorney Jason L. Solotaroff [ 1:95-m -1135 ] (Henry, Teresa) (Entered: 08/01/1995)
07/21/1995		Magistrate Arraignment as to Armando Zabala held Before Magistrate Judge Azrack, case called, AUSA-Eric Friedberg present, defendant present with Counsel David Secular...DETENTION HEARING HELD At this time, defense counsel states that the defendant has no bail package. Order of detention entered with leave to reapply for bail 95/49

8:1326(a); 18:3551 et seq -  
IMMIGRATION LAWS, ILLEGAL  
RE-ENTRY.  
(3)

8:1326(a); 18:3551 et seq.- REENTRY  
OF DEPORTED ALIENS.  
(4s)

Count(s) 1,2,3,4 and 1s,2s,3s,4s are  
dismissed by Government's motion in  
open Court on 9/6/96 before Judge  
Gleeson.  
  
Count(s) 1,2,3,4 and 1s,2s,3s,4s are  
dismissed by Government's motion in  
open Court on 9/6/96 before Judge  
Gleeson.

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **Kelly Anne Moore**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/21/1995		** Added Government Attorney Eric Friedberg [ 1:95-m -1135 ] (Henry, Teresa) (Entered: 08/01/1995)
08/21/1995		** Added Government Attorney Kelly A. Moore. (Asreen, Wendy) (Entered: 08/25/1995)
08/21/1995		Magistrate Gold has been selected by random selection to handle any matters that may be referred in this case. (Asreen, Wendy) (Entered: 08/25/1995)
10/13/1995	X 23	SEALED ENVELOPE containing ORDER dated 10/10/95 (Signature not noted) (DiTomasso, Mike) (Entered: 10/13/1995)
10/23/1995	24	SUPERSEDING INDICTMENT as to Marco Garcia (1) count(s) 1s, Armando Zabala (2) count(s) 1s, Daniel Gomez (3) count(s) 1, 2, 3. (Greves, Liz) (Entered: 10/25/1995)

10/23/1995		First Appearance as to Daniel Gomez held on 10/23/95 before Judge Gleeson. (Guzzi, Roseann) Modified on 09/23/1996 (Entered: 09/23/1996)
10/23/1995		**JS2 Opening Card for Daniel Gomez. (Guzzi, Roseann) (Entered: 09/23/1996)
11/01/1995	27	CALENDAR ENTRY as to Armando Zabala, Daniel Gomez ; Case called before Judge John Gleeson on date of 11/1/95 for arraignment/pleading. Court Reporter A. Sherman & AUSA K. Moore. Defts present with counsel. Not Guilty: , Armando Zabala (2) count(s) 1, 1s, Daniel Gomez (3) count(s) 1, 2, 3. Defts continued in custody. Case adjourned to 11/20/95 at 9:30AM for status conference before Judge John Gleeson. (Greves, Liz) (Entered: 11/02/1995)
11/01/1995		**Excludable XT start as to Armando Zabala, Daniel Gomez. (Greves, Liz) (Entered: 11/02/1995)
11/02/1995	26	Sealed envelope containing LETTER. (PLACED IN VAULT). (Greves, Liz) (Entered: 11/02/1995)
11/16/1995	28	MOTION by Daniel Gomez requesting to enter an order relieving John J. Garzon as counsel . (Guzzi, Roseann) (Entered: 11/24/1995)
11/20/1995	29	CALENDAR ENTRY as to Armando Zabala, Daniel Gomez; Case called before Judge John Gleeson on date of 11/20/95 for status conference. AUSA Kelly Moore. Court Reporter/ Carmella Januzzi. Spanish interpreter Estralita Plested sworn. Defendant Zabala appears without counsel. David Gordon ordered to appear before Judge Duffy at SDNY. Mr. Garzon relieved as counsel and Barry G. Rhodes appointed from the CJA panel. Time excluded from 11/20/95 to 12/8/95 on the record. Set status conference for 4:00 on 12/8/95 for Marco Garcia, Armando Zabala, for Daniel Gomez before Judge John Gleeson . (Guzzi, Roseann) (Entered: 11/24/1995)
11/20/1995		**Excludable XT start as to Marco Garcia, Armando Zabala, Daniel Gomez from 11/20/95 to 12/8/95 on the record before Judge Gleeson. (Guzzi, Roseann) (Entered: 11/24/1995)
11/20/1995		** Added for Daniel Gomez Attorney Barry G. Rhodes. (Guzzi, Roseann) (Entered: 11/24/1995)
11/24/1995		ENDORSED ORDER undated on document #28 as to Daniel Gomez granting defendant Franklin Ocampo's [28-1] motion requesting to enter an order relieving John J. Garzon as counsel. ( Judge John Gleeson ) (Guzzi, Roseann) (Entered: 11/24/1995)
11/30/1995	30	LETTER dated 11/29/95 from AUSA Kelly A. Moore to Barry Rhodes, Esq. enclosing the draft transcripts of the tape recorded conversations between the confidential informant and the defendants and their conspirators on 7/19/95 and 7/20/95. W/O enclosure (Guzzi, Roseann) (Entered: 12/04/1995)

		(McGee, Maryann) Modified on 09/26/1997 (Entered: 09/26/1997)
09/26/1997		Certified and transmitted first supplemental record on appeal to U.S. Court of Appeals as to Daniel Gomez : [91-1] appeal . This record contains only one document #110. Acknowledgment requested. (McGee, Maryann) (Entered: 09/26/1997)
10/03/1997	Y 9	Acknowledgment from USCA received. as to Daniel Gomez RE: [91-1] appeal. Acknowledgment signed by G.B. on 9/29/97. (McGee, Maryann) (Entered: 10/03/1997)
10/03/1997	X 10	Acknowledgment from USCA received first supplemental as to Daniel Gomez RE: [91-1] appeal (McGee, Maryann) (Entered: 10/03/1997)
04/16/1998	11	LETTER dated 4/13/98 from Ramon Pagan to Judge Gleeson, requesting that the Court allow certain portions of transcripts as to deft Gomez be unsealed. (Dobkin, David) (Entered: 04/16/1998)
04/16/1998	12	ORDER as to Daniel Gomez; granting application of certain portions of sealed transcripts be unsealed. ( Signed by Judge John Gleeson , dated: 4/13/98) (Dobkin, David) (Entered: 04/16/1998)
08/20/1998	13	USCA Order GRANTING motion of Deft-Appellant's attorney be relieved as counsel pursuant to Anders v. California on the ground that there are non-frivolous issues presented by his appeal. Certified 8/6/98. Acknowledgment returned to USCA. Judge notified. USCA#96-1611. (McGee, Maryann) (Entered: 08/24/1998)
08/20/1998	14	USCA Order GRANTING government's request for summary affirmance. Issued as Mandate 8/6/98. Acknowledgment returned to USCA. Judge notified. USCA#96-1611. (McGee, Maryann) (Entered: 08/25/1998)
02/17/1999	15	LETTER dated 2.10.99 from Danny Gomez to the Clerk requesting a copy of the Court record so that he may file a section 2255 motion. (Hunter, Tara) (Entered: 02/18/1999)
02/23/1999	16	ORDER as to Daniel Gomez that the U.S. Attorney is directed to send a copy of the trial record and the briefs on appeal to Gomez at the address on his 2/10 letter which the Clerk is directed to forward to AUSA, Kelly Moore. The application to enlarge the statute of limitations for a 2255 motion is DENIED. This denial does not preclude Gomez from renewing his application as the expiration of the period of limitations draws near. ( Signed by Judge John Gleeson , dated: 2/19/99) c/m. (Murphy, Margaret) (Entered: 02/23/1999)
05/05/1999	✓ 18	LETTER dated 2/22/99 from AUSA Kelly Moore to Danny Gomez, enclosing copies of transcripts, his appellate lawyer's Anders brief and the government's affidavit in support of summary affirmance. (Reddy, Lisa) (Entered: 05/05/1999)
06/01/1999	X 19	LETTER dated 5/25/99 from Danny Gomez, to Ralph Vega, requesting copies of several documents and transcript in order to perfect his 2255 motion. (Murphy, Margaret) (Entered: 06/07/1999)



07/12/1999	20	LETTER dated 7.9.99 from Danny Gomez to Ms. Volk inquiring about the status of his case. (Hunter, Tara) (Entered: 07/14/1999)
07/19/1999	21	ORDER as to Daniel Gomez that on 8/6/98, the Second Circuit affirmed Gomez's conviction. The conviction thus became final on 11/6/98, when the period within which Gomez could have sought certiorari from the U.S. Supreme Court expired. Gomez has until 11/6/99 to file his petition under 2255. Against the backdrop, the request for a 90 day extension is DENIED. This denial does not preclude Gomez from renewing his application as the expiration of the limitations period draws near. In addition, if the government disagrees that Gomez may file his petition until 11/6/99, it shall so inform this Court immediately. With regard to the request for appointment of counsel, I note that on direct appeal, Gomez's appellate counsel submitted a brief in accordance with Anders v. California. Because this indicates, at least preliminarily, that there are not likely to be any meritorious grounds for relief under 2255, Gomez's request for appointment of counsel is DENIED. Gomez may renew his request by filing with the Court a brief statement of the issues that, in his view, warrant an order vacating his conviction. ( Signed by Judge John Gleeson , on 7/15/99) c/m. (Murphy, Margaret) (Entered: 07/19/1999)
07/19/1999	22	LETTER dated 7.9.99 from Judge Gleeson to Judge Gleeson requesting appointment of counsel and a 90-day extension of time to file his 2255 motion. (Hunter, Tara) (Entered: 07/19/1999)
07/19/1999	25	LETTER dated 7/14/99 from Danny Gomez, to Judge Gleeson, requesting that an order be issued in reference to the request for the production of documents and asking for an extension of time to file his 2255 motion. (Murphy, Margaret) (Entered: 08/05/1999)
07/30/1999	23	ORDER as to Daniel Gomez, the U.S. Atty's Office is directed to copy the latter category documents from its files and send them directly to Gomez. If the govt believes any of those documents should not be disclosed to Gomez, it shall so inform the court in writing. ( Signed by Judge John Gleeson , on 7/29/99) c/m (Piper, Francine) (Entered: 07/30/1999)
08/04/1999	24	LETTER dated 8/2/99 from AUSA Kelly Moore to Danny Gomez re: enclosure of copies of items pursuant to Judge Gleeson's order dated 7/29/99. (Dobkin, David) (Entered: 08/04/1999)
09/02/1999	26	LETTER dated 8/21/99 from Danny Gomez, to Judge Gleeson, asking that the court unseal the documents in this case and that Ms. Moore provide him with a copy. (Murphy, Margaret) (Entered: 09/15/1999)
09/15/1999		ENDORSED ORDER on document #26 as to Daniel Gomez that AUSA Moore is directed to respond in writing on before 9/17/99. ( Signed by Judge John Gleeson , on 9/10/99) c/m. (Murphy, Margaret) (Entered: 09/15/1999)
09/20/1999	27	Sealed envelope containing a LETTER. (Reddy, Lisa) (Entered: 09/20/1999)



09/21/1999	28	ORDER as to Daniel Gomez; denying def't's motion directing the govt to unseal the documents and provide him with copies. ( Signed by Judge John Gleeson , on 9/15/99) (Dobkin, David) (Entered: 09/21/1999)
10/15/1999	29	ORDER as to Daniel Gomez, the time for dft to file a petition pursuant to 28:2255 expires on 11/6/99. He has asked for an extension until 2/7/00. The request is granted. Dft's request for appointment of counsel is denied without prejudice to his renewing his request upon the filing of his 2255 petition. ( Signed by Judge John Gleeson , on 10/12/99) c/m (Piper, Francine) (Entered: 10/15/1999)
10/25/1999	30	ORDER as to Daniel Gomez, that the Clerk is directed to open a new civil file accordingly. The Petitioner is granted until 2.7.00, to file a completed petition. The Govt. shall file its opposition to the petition on or before 3.6.00; Petitioner may, but is not required, to file a brief a reply to the Govt's opposition on or before 4.3.00. The motion for appointment of counsel is denied. (Signed by Judge John Gleeson , on 10.19.99). C/M by Chambers. (Hunter, Tara) (Entered: 10/26/1999)
12/26/2002	31	MOTION by Daniel Gomez requesting an evidentiary hearing . {Forwarded to Chambers}. (DiLorenzo, Krista) Modified on 12/30/2002 (Entered: 12/30/2002)
02/27/2006		***Staff Notes as to Daniel Gomez. Record requested by V. Mathias (USCA). It has been ordered from the Archives. (McGee, Mary Ann) (Entered: 02/27/2006)
03/16/2006	3	NOTICE The case was ordered from Lee's Summit National Archive Center on 3/6/06. (Jackson, Andrew) (Entered: 03/16/2006)
03/21/2006	3	NOTICE Two file folders were received on March 21, 2006. The requester was notified at 2:56PM Tuesday afternoon. (Jackson, Andrew) (Entered: 03/21/2006)

12/08/1995	32	CALENDAR ENTRY as to Armando Zabala, Daniel Gomez; Case called before Judge John Gleeson on date of 12/8/95 for status conference. AUSA Kelly Moore. David Gordan for defendant Zabala and Barry Rhodes for defendant Ocampo. Court Reporter/Henry LeGendre. Speedy trial information for both defendants from 12/8/95 to 1/2/96. Court designates case as a complex case. Next conference set for 1/2/96 at 4:30. (Guzzi, Roseann) (Entered: 01/12/1996)
12/08/1995		**Excludable XT start as to Armando Zabala, Daniel Gomez from 12/8/95 to 1/2/96. (Guzzi, Roseann) (Entered: 01/12/1996)
01/02/1996	33	CALENDAR ENTRY as to Armando Zabala, Daniel Gomez; Case called before Judge John Gleeson on date of 1/2/96 for status conference. AUSA Kelly Moore. David Gorden for defendant Zabala. Ramon Pagan for defendant Ocampo. Court Reporter/Gene Rudolph. Spanish Interpreter Estrellita Plested. Barry Rhodes relieved as counsel. Defendant Ocampo has retained counsel. Notice of appearance filed. Defense motion due 2/2/96; government response due 2/16/96; reply due 2/23/96. Return dated 3/1/96 at 10:00. (Guzzi, Roseann) (Entered: 01/16/1996)
01/05/1996	31	SEALED LETTER dated 1/2/96 from AUSA Kelly Moore to Judge Gleeson. Placed in vault. (Guzzi, Roseann) (Entered: 01/05/1996)
01/16/1996	34	NOTICE of Appearance for Daniel Gomez by Attorney Ramon W. Pagan. (Guzzi, Roseann) (Entered: 01/16/1996)
02/07/1996	39	LETTER dated 2/7/96 from Barry Gene Rhodes to Shirley L. Turton that on 11/20/95, and for a short time afterward, I represented Franklin Ocampo. However, never received a voucher. (Guzzi, Roseann) (Entered: 02/15/1996)
02/15/1996	38	CJA 20 as to Daniel Gomez: Appointment of Attorney Barry Rhodes. Voucher # 0710533 (Dated 2/13/96 but not signed) (Guzzi, Roseann) (Entered: 02/15/1996)
02/15/1996	40	LETTER dated 2/1/96 from Ramon W. Pagan to Judge Gleeson requesting additional time to file motions on behalf of Mr. Ocampo. (Guzzi, Roseann) (Entered: 02/15/1996)
02/15/1996		ENDORSED ORDER undated on document #40 as to Daniel Gomez that the defendants' motions shall be filed on or before 3/1/96; the government's opposition papers by 3/15/96; reply papers, if any by 3/22/96. The motion will be argued on 3/29/96 at 10:30. the time between 2/2/96 and the filing of the motions is excluded from the speedy trial calculations in the interest of justice in order to permit defense counsel to prepare his motions. Any objections to such exclusion shall be made in writing on or before 2/19/96. C/M ( Judge John Gleeson ) (Guzzi, Roseann) (Entered: 02/15/1996)
02/15/1996		**Excludable XT start as to Daniel Gomez from 2/2/96 to 3/1/96. (Guzzi, Roseann) (Entered: 02/15/1996)

03/06/1996	(44)	MOTION by Daniel Gomez for discovery ; Motion Hearing/Return date of 3/28/96 for Daniel Gomez [44-1] motion. (Guzzi, Roseann) (Entered: 03/25/1996)
03/12/1996	(43)	LETTER dated 3/9/96 from AUSA Kelly A. Moore to Ramon Pagan, Esq. enclosing copies of three tapes containing voice samples taken from Daniel Gomez on 3/6/96. (Guzzi, Roseann) (Entered: 03/13/1996)
03/19/1996	(45)	RESPONSE by USA as to Daniel Gomez re: defendant's [44-1] motion for discovery. (Guzzi, Roseann) (Entered: 03/25/1996)
03/25/1996	(46)	LETTER dated 3/15/96 from AUSA Kelly A. Moore to Judge Gleeson that the Government request a 3-day extension from 3/15/96 to 3/18/96 to file a response to the defendant's motion. Counsel for defendant consents to this request. (Guzzi, Roseann) (Entered: 03/25/1996)
03/25/1996		ENDORSED ORDER dated 3/15/96 granting Government a 3-day extension from 3/15/96 to 3/18/96 to file a response to the defendant's motions. ( Judge John Gleeson, dated 3/15/96) (Guzzi, Roseann) (Entered: 03/25/1996)
03/25/1996	(47)	SUPERSEDING INDICTMENT as to Daniel Gomez (3) count(s) 1s, 2s-3s, 4s . (Guzzi, Roseann) (Entered: 04/11/1996)
03/29/1996	(48)	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 3/29/96 for status conference. AUSA Kelly Moore. Ramon Pagan for the defendant. Court Reporter/Fred Gurino. Spanish interpreter Elena Rich. Defendant Daniel Gomez a/k/a Frank Ocampo pleads Not Guilty: Daniel Gomez (3) count(s) 1s, 2s-3s, 4s to the superseding indictment . Defendants supplemental motions due on 4/5/96, government response on 4/12/96, argument on all motions for 4/19/96 at 12:00. Set Jury trial for 9:30 on 5/28/96 for Daniel Gomez before Judge John Gleeson . (Guzzi, Roseann) (Entered: 04/11/1996)
04/19/1996	(50)	CALENDAR ENTRY as to Daniel Gomez ; Case called before Judge John Gleeson on 4/19/96 for motion hearing. AUSA: Kelly Moore. Defense counsel: Ramon Pagan. Court Reporter: Mickey Brymer. Defendant's motion to dismiss- DENIED. Set next pretrial conference for 4:30 on 5/21/95 for Daniel Gomez before Judge John Gleeson . (Asreen, Wendy) (Entered: 04/25/1996)
04/23/1996	(49)	LETTER dated 4/4/96 from Ramon W. Pagan to Judge Gleeson requesting an extension of time to file the supplemental motions on behalf of Mr. Ocampo that is due on 4/16/96. (Guzzi, Roseann) (Entered: 04/23/1996)
04/23/1996		ENDORSED ORDER undated on document #49 that defendant supplemental motions due 4/15/96. Government response due 4/18/96. Argument on this motion 4/19/96 at 12:00 as to Daniel Gomez. ( Judge John Gleeson, dated undated) (Guzzi, Roseann) (Entered: 04/23/1996)
04/23/1996		**Terminated past deadlines. (Guzzi, Roseann) (Entered: 04/23/1996)

05/06/1996	52	SUPPERSADING INDICTMENT as to Daniel Gomez (3) count(s) 1ss, 2ss-3ss, 4ss. (Guzzi, Roseann) (Entered: 05/15/1996)	
05/21/1996	55	CALENDAR ENTRY as to Daniel Gomez a/k/a Frank O'Campo; Case called before Judge John Gleeson on 5/21/96 for Arraignment/Pleading. AUSA: Kelly Morre and Eric Friedberg. Defense counsel: Ramon Perez representing Daniel Gomez. Spanish Interpreter: Estrella Plested. Court Reporter: Holly Driscoll. Superseding Indictment filed. Defendants pleads Not Guilty: Daniel Gomez (3) count(s) 1, 2, 3, 1ss, 2ss-3ss, 4ss, 1ss, 2ss-3ss, 4ss. Defendant continued in custody. Set jury selection for 5/28/96 Daniel Gomez before Judge John Gleeson. Trial is set to follow the jury selection. Final pretrial conference held. Government's motion in limine was heard. Ruling entered on the record. (Murphy, Margaret) (Entered: 05/23/1996)	
05/28/1996	56	ORDER as to Daniel Gomez that the Government does not need to disclose the CT's side comment made during the second 7/20/95 call and that the recordings and transcripts of the second 6/20/95 conversation provided to the defendant and presented at trial may be in a redacted form with the side comment deleted and that the affidavit of AUSA, Kelly Moore accompanying this order be sealed. ( Signed by Judge John Gleeson, dated: 5/22/96) c/m (Asreen, Wendy) (Entered: 05/28/1996)	
05/28/1996	59	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 5/28/96 for Jury Trial. ADJOURNED. AUSA Kelly Moore/Eric Friedberg. Mr. Pagan defense counsel not present. Court Reporter/ESR not listed. Spanish interpreter Rosa Olivera and Madga Hylsett. Jury selection adjourned to 6/3/96 at 9:30. Mr. Pagan to show cause by 6/3/96 why he should not pay the cost that the Gov't incurred by bringing in a jury panel, and second why he should not be relieved as counsel for the defendant. Government to order the minutes and serve a copy to Mr. Pagan. (Guzzi, Roseann) (Entered: 06/04/1996)	
05/28/1996	65	TRANSCRIPT filed in case as to Daniel Gomez of 5/28/96 Trial before Judge Gleeson. Court Reporter/Henry R. Shapiro. (14 pages) (Guzzi, Roseann) (Entered: 06/14/1996)	
05/31/1996	57	TRANSCRIPT filed in case as to Daniel Gomez of 5/28/96 proceeding occurred in Chambers before Judge Gleeson. Court Reporter/Henry R. Shapiro. (14 pages) (Guzzi, Roseann) (Entered: 05/31/1996)	
05/31/1996	58	(SEALD)AFFIDAVIT of Kelly Moore. (AUSA file #9503889) (Guzzi, Roseann) (Entered: 05/31/1996)	
05/31/1996	61	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 5/31/96 for status conference. AUSA Kelly Moore and Eric Friedberg. Ramon Pagan for the defendant. Court Reporter/Michael Picozzi. Telephone conference held. Mr. Pagan to appear on 6/3/96 at 9:15 for the Order to Show Cause. (Guzzi, Roseann) (Entered: 06/04/1996)	

06/03/1996	62	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 6/3/96 for hearing. AUSA Kelly Moore and Eric Friedberg. Ramon Pagan for the defendant. Court Reporter/Carmella Januzzi. Order to show cause conference held. Ramon Pagan is represented by counsel Joyce David. Judge will take the O.T.S.C. under submission. (Guzzi, Roseann) (Entered: 06/10/1996)
06/03/1996	63	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 6/3/96 for Jury Trial. AUSA Kelly Moore and Eric Friedberg. Ramon Pagan for the defendant. Court Reporter/Carmella Januzzi. Spanish interpreter Rosa Olivera and Anna Silverio. Jury selection held. Jurors sworn and trial begins. Government opens. Defense opens. The following witnesses were sworn and testified: Detective Richard Arbacas; Dr. Charles Diego Guerrero; Mary Hughes and Maria Menesse (who is represented by counsel Mr. Sanchez). (Guzzi, Roseann) (Entered: 06/10/1996)
06/03/1996		Jury trial begins on 6/3/96 before Judge Gleeson. (Guzzi, Roseann) (Entered: 06/10/1996)
06/03/1996		Voir dire begun as to Daniel Gomez (3) count(s) 1ss, 2ss-3ss, 4ss. (Guzzi, Roseann) (Entered: 06/10/1996)
06/04/1996	64	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 6/4/96 for Jury Trial. AUSA Kelly Moore and Eric Friedberg. Ramon Pagan for the defendant. Court Reporter/Carmella Januzzi. Spanish interpreter Rosa Oliveria and Anna Silverio. Defense counsel makes an application for a mistrial for the witness that had stayed in the jury room, smoking lounge. Application denied. Mr. Pagan makes an application to preclude the testimony of patricia Michelsen. Application denied. The following witnesses were sworn and testified Det. Rolas; Patricia Michelsen and James Barona. (Guzzi, Roseann) (Entered: 06/10/1996)
06/05/1996	78	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 6/5/96 for Jury Trial. Court Reporter/Carmella Jannuzzi. Spanish Interpreter Rosa Olivera. Government recalls Maria Menesesy and James Barona. Gov't calls S.A. Sommers. (Guzzi, Roseann) (Entered: 06/21/1996)
06/06/1996	79	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 6/6/96 for Jury Trial. AUSA Kelly Moore and Eric Friedberg. Court Reporter/Carmella Januzzi. Spanish interpreter Rosa Olivera and Anna Silverio. Cross examination of James Barona. Re Direct of James Barona. The following witnesses were sworn and testified: S.A. David Riccio and Jaime Londono Garcia. (Guzzi, Roseann) (Entered: 06/21/1996)
06/10/1996	70	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 6/10/96 for Jury Trial. Jury trial resumes. Court Reporter/Marsha Diamond. Witness Jamie Londono Garcia (still under



		oath). Juror #8 is excused. (Guzzi, Roseann) (Entered: 06/14/1996)
06/11/1996	71	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 6/11/96 for Jury Trial. Jury Trial resumes. Court Reporter/Marsha Diamond. Witness Alex Machin sworn. Witness Samuel A. Wok sworn. Witness Henry Roa-Garcia sworn. Witness Victor Cueto sworn. (Guzzi, Roseann) (Entered: 06/14/1996)
06/11/1996	80	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 6/11/96 for Jury Trial. AUSA Eric Freidberg and Kelly Moore. Court Reporter/Marsha Diamond. Witnesses sworn and testified: Alen Machine; Sam Qwok; Henry Roa Garcia; Victor Cueto; Chrisola Varvatsas; Tommy Lee; Oscar Hernandez and William Ralat. Rule 29 motion made and DENIED. Defense case starts Witness Irma Hernandez. (Guzzi, Roseann) (Entered: 06/21/1996)
06/12/1996	72	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 6/12/96 for Jury Trial. Jury Trial resumes on 6/12/96 before Judge Gleeson. Court Reporter/ Marsha Diamond. Jury charged, alternate jurors excused, U.S.M. sworn and deliberations begin. Guilty verdict on counts 1,2,3, and 4 of the superseding indictment. Jurors polled and excused. Sentencing set for 8/23/96 at 2:00. Defendant remanded. (Guzzi, Roseann) (Entered: 06/14/1996)
06/12/1996	73	JURY VERDICT as to Daniel Gomez Guilty: Daniel Gomez (3) count(s) 1ss, 2ss-3ss, 4ss . (Verdict sheet is jury note #3) (Guzzi, Roseann) (Entered: 06/14/1996)
06/12/1996	74	Exhibit and Witness list as to Daniel Gomez at Trial. (Guzzi, Roseann) (Entered: 06/14/1996)
06/12/1996	75	Order of Sustenance dated 6/12/96 for lunch while deliberating as to the 12 jurors empaneled and the U.S. Deputy Marshal as to Daniel Gomez. ( Signed by Judge John Gleeson ) (Guzzi, Roseann) (Entered: 06/14/1996)
06/14/1996	66	TRANSCRIPT filed of Trial on 6/3/96 before Judge Gleeson. Court Reporter/Carmella R. Jannuzzi. (113 pages) (Guzzi, Roseann) (Entered: 06/14/1996)
06/14/1996	67	TRANSCRIPT filed of Trial on 6/4/96 before Judge Gleeson. Court Reporter/ Carmella R. Jannuzzi. (pages 114-271) (Guzzi, Roseann) Modified on 06/14/1996 (Entered: 06/14/1996)
06/14/1996	68	TRANSCRIPT filed of Trial on 6/11/96 before Judge Gleeson. Court Reporter/Marsha Diamond. (pages 784-989) (Guzzi, Roseann) (Entered: 06/14/1996)
06/14/1996	69	LETTER dated 5/30/96 from AUSA Eric Friedberg to Judge Gleeson that the Government submits this letter in connection with the Court's order to Mr. Pagan to show cause why he should not be assessed the government's cost in bringing in a jury on 5/28/96 and why he should not be relieved as counsel. (Guzzi, Roseann) (Entered: 06/14/1996)



06/20/1996	76	TRANSCRIPT filed in case as to Daniel Gomez of 6/10/96 Trial before Judge Gleeson. Court Reporter/Marsha Diamond. (pages 648-783) (Guzzi, Roseann) (Entered: 06/20/1996)
06/20/1996	86	MOTION by Daniel Gomez moves for a judgment of acquittal; jury tampering . (Guzzi, Roseann) (Entered: 09/23/1996)
07/08/1996	82	ORDER dated 6/28/96 that defendant has moved for a judgment of acquittal. Opposition papers shall be filed no later than 7/12/96; reply papers, if any, shall be filed no later than 7/19/96. Oral argument will be heard on the day of sentencing, 8/23/96 as to Daniel Gomez. ( Signed by Judge John Gleeson, dated: 6/28/96) (Guzzi, Roseann) (Entered: 07/08/1996)
07/25/1996	83	LETTER dated 7/12/96 from AUSA Kelly A. Moore to Judge Gleeson in response to the defendant's post-trial motions. (Guzzi, Roseann) (Entered: 07/25/1996)
08/29/1996	84	LETTER dated 8/19/96 from Ramon W. Pagan to Judge Gleeson requesting a one week adjournment of Mr. Gomez's sentence to review PSI. (Guzzi, Roseann) (Entered: 08/29/1996)
08/29/1996		Deadline updated as to Daniel Gomez, Reset Sentencing for 2:00 on 9/6/96 for Daniel Gomez before Judge John Gleeson . (Guzzi, Roseann) (Entered: 08/29/1996)
09/06/1996	88	CALENDAR ENTRY as to Daniel Gomez; Case called before Judge John Gleeson on date of 9/6/96 for sentencing. AUSA Kelly Moore/Eric Friedberg. Ramon Pagan for the defendant. Court Reporter/Henry Shapiro. Spanish interpreter Marsha Gotler. Motion to set aside the verdict is denied. Defendant Danny Gomez a/k/a Frank Ocampo is sentenced to Count 1 of the superseding indictment and receives life imprisonment; 5 years supervised release; on Count 2 of the superseding indictment receives life imprisonment; 5 years supervised release; on Count 3 of the superseding indictment receives life imprisonment; 5 years supervised release; on Count 4 of the indictment receives 24 months imprisonment; 2 years supervised release. The sentences are to run concurrent to one another. Special assessment of \$200.00. (Guzzi, Roseann) (Entered: 09/23/1996)
09/06/1996		Sentencing held on 9/6/96 before Judge Gleeson as to defendant Daniel Gomez (3) count(s) 1ss, 2ss-3ss, 4ss. (Guzzi, Roseann) (Entered: 09/23/1996)
09/06/1996		DISMISSAL of Count(s) on Government Motion as to Daniel Gomez Terminated motions: terminating [44-1] motion for discovery; Counts Dismissed: Daniel (3) count(s) 1s, 1, 2s-3s, 2, 3, 4s. (Guzzi, Roseann) (Entered: 09/23/1996)
09/12/1996	85	LETTER dated 7/12/96 from AUSA Kelly A. Moore to Judge Gleeson in response to the defendant's post-trial motions. The defendant's motions are meritless and should be denied in their entirety. (Guzzi, Roseann)

		(Entered: 09/12/1996)
09/23/1996		**Terminated document(s) as to Daniel Gomez : denying [86-1] motion moves for a judgment of acquittal; jury tampering as to Daniel Gomez (3). (Guzzi, Roseann) (Entered: 09/23/1996)
09/23/1996	87	Proposed Jury Instructions by USA as to Daniel Gomez. (Guzzi, Roseann) (Entered: 09/23/1996)
09/23/1996	89	JUDGMENT dated 9/6/96 as to Daniel Gomez (3) count(s) 1ss, 2ss -3ss , 4ss . Defendant Danny Gomez a/k/a Franklin Ocampo is sentenced to Count 1ss, 2ss, 3ss and 4ss and receives a term of life imprisonment on Counts 1ss,2ss,3ss and 24 months on Count 4ss to run concurrent to one another. Supervised release of 5 years on Counts 1ss,2ss,3ss and 2 years on 4ss to run concurrently to one another. Special assessment fee of \$200.00. ( Signed by Judge John Gleeson, Dated 9/6/96) (Guzzi, Roseann) (Entered: 09/23/1996)
09/23/1996		**Terminated party Daniel Gomez. (Guzzi, Roseann) (Entered: 09/23/1996)
09/23/1996	90	TRANSCRIPT filed in case as to Armando Zabala, Daniel Gomez of Status conference on 1/2/96 before Judge Gleeson. Court Reporter/Gene Rudolph. (10 pages) (Guzzi, Roseann) (Entered: 09/24/1996)
09/23/1996	91	NOTICE OF APPEAL by Daniel Gomez (3) count(s) 1ss, 2ss-3ss, 4ss. Fee Paid \$ 105.00 Receipt # 187112. The Defendant appeals the judgment that was entered on 9/23/96. Forms distributed. USCA NOTIFIED. PLEASE NOTE: THIS NOA WAS ORIGINALLY FILED ON 9/17/96. (Gonzalez, Mary) (Entered: 09/25/1996)
09/25/1996		Notice of appeal and certified copy of docket as to Daniel Gomez to USCA: [91-1] appeal (Gonzalez, Mary) (Entered: 09/25/1996)
10/04/1996	95	USCA Scheduling Order: as to Daniel Gomez [91-1] appeal Appeal Record due by 10/21/96 for Daniel Gomez USCA Number: 96-1611 Appellant's brief due 11/20/96. Appellee's brief due 12/20/96. Argument set for 1/13/97. (McGee, Maryann) (Entered: 10/07/1996)
10/21/1996	97	(SEALED)LETTER dated 10/15/96 from AUSA Kelly Moore to Judge Gleeson. (AUSA file #9503889) (Guzzi, Roseann) (Entered: 10/21/1996)
10/28/1996		**Case closed as to all defendants: Marco Garcia, Armando Zabala, Daniel Gomez. (Guzzi, Roseann) (Entered: 10/28/1996)
10/30/1996		**Terminated past due deadlines. (Lui, Lin) (Entered: 10/30/1996)
01/02/1997	103	LETTER dated 12/26/96 from Danny Gomez to Clerk of Court requesting that he be provided with the name of the newly appointed appeal counsel & his or her address. (Greves, Liz) (Entered: 01/07/1997)
02/28/1997		Certified and transmitted INDEX on appeal to U.S. Court of Appeals as to Daniel Gomez : [91-1] appeal. Documents 1-103. Missing document #32. USCA#06-1611. Acknowledgment requested. (McGee, Maryann)

		(Entered: 02/28/1997)
03/24/1997	105	Acknowledgment from USCA received. as to Daniel Gomez RE: [91-1] appeal (Gonzalez, Mary) (Entered: 03/24/1997)
03/28/1997	106	MOTION by Daniel Gomez for reduction of Sentence . (Guzzi, Roseann) (Entered: 03/31/1997)
04/07/1997	107	ORDER dated 4/1/97 that the Court has received a pro se petition for reduction of sentence dated 3/23/97 as to Daniel Gomez. The Clerk of the Court is directed to forward a copy of the petition to the United States Attorney, who is directed to file a response to the petition no later than 4/15/97. C/M ( Signed by Judge John Gleeson, dated: 4/1/97) (Guzzi, Roseann) (Entered: 04/07/1997)
04/29/1997	108	LETTER dated 4/8/97 from AUSA Kelly A. Moore to Judge Gleeson in response to defendant Danny Gomez' pro-se motion for reduction of sentence dated 3/31/97. Requesting motion be denied. (Guzzi, Roseann) (Entered: 04/29/1997)
04/29/1997	109	ORDER dated 4/23/97 as to Daniel Gomez dismissing [106-1] motion for reduction of Sentence as to Daniel Gomez (3) because I lack jurisdiction to consider it. C/M ( Signed by Judge John Gleeson, dated: 4/23/97) (Guzzi, Roseann) (Entered: 04/29/1997)
05/05/1997	110	TRANSCRIPT filed in case as to Daniel Gomez of Trial held on 6/3/96 before Judge Gleeson. Court Reporter/ Carmella Jannuzzi. (106 pages) (Guzzi, Roseann) (Entered: 05/05/1997)
05/05/1997		Transmitted The First Supplemental (INDEX) Record on Appeal: as to Daniel Gomez [91-1] appeal. PLEASE NOTE: THIS RECORD CONTAINS ONLY ONE DOCUMENT #110. (Gonzalez, Mary) (Entered: 05/05/1997)
05/20/1997	111	Acknowledgment from USCA received for the First Supplemental Index that was sent to the USCA signed by KS as to Daniel Gomez RE: [91-1] appeal (Gonzalez, Mary) (Entered: 05/20/1997)
06/11/1997	112	TRANSCRIPT filed in case as to Daniel Gomez a/k/a Franklin O'Campo; Court Reporter/Henry Shapiro. (22 pages)) (Guzzi, Roseann) (Entered: 06/11/1997)
06/25/1997	115	(SEALED)LETTER dated 6/23/97 from AUSA Eric Friedberg to Judge Gleeson w/ attached transcript. (AUSA file #9503889) (Guzzi, Roseann) (Entered: 06/25/1997)
06/25/1997	116	(SEALED)TRANSCRIPT filed for dates of 10/11/96. (Guzzi, Roseann) (Entered: 06/25/1997)
09/26/1997		Certified and transmitted record on appeal to U.S. Court of Appeals as to Daniel Gomez : [91-1] appeal. Documents 23-103. Missing #32 (documents are not in numerical sequence) Record requested by and sent to the attention of Genevieve Keegan. Acknowledgment requested.